

IACP Highway Safety Committee

***Federal Register* Response to Electronic On-Board Recorders for Hours-of-Service Compliance**

Docket No. FMCSA–2004–18940

The International Association of Chiefs of Police, Inc., is an organization of nearly 20,000 members representing the chief law enforcement officer of virtually every major state and local police department and highway patrol agency in the United States, and also has membership from throughout the world.

The IACP Highway Safety Committee operates under the auspices of the State and Provincial Police Directorate and provides guidance to the IACP on all matters involving road and vehicle safety. The Committee now submits the following comments concerning the use of electronic on-board recorders (EOBRs) on commercial vehicles to document compliance with Federal hours-of-service rules.

Compliance with hours of service currently is a major problem. Fatigued driving has been noted both by the National Highway Traffic Safety Administration and by law enforcement as a common cause of collisions. National media attention frequently has focused on the abuse of various over-the-counter and other medications by long-haul truck drivers who strive to stay awake while driving in excess of the hours allowed by FMCSA regulations. Our officers tell us that it is difficult to uncover and prove violations of the hours-of-service rules, and that many drivers refer to their current logbooks as “cheat sheets.”

If EOBR technology is available and the cost to the trucking industry is not prohibitive, the Highway Safety Committee believes it would be very useful to the industry, as well as to law enforcement, in managing the hours-of-service of drivers. The Committee also believes that a manual backup system, i.e., a paper log, should be required, in the event an EOBR fails. The technology also could assist law enforcement in crash investigations the same as “black boxes” on aircraft do and should be able to demonstrate whether or not an EOBR has been manipulated or whether or not an attempt to do so has been made.

In view of officer-safety considerations, i.e., troopers actually having to climb into cabs to view EOBRs, the Committee believes that EOBRs should permit drivers to print out at the roadside their logs, and that drivers should be required to do so upon troopers’ requests.

Our officers have reported that some trucking companies utilizing EOBRs on trial bases employ drivers who are unable to operate these recorders at the roadside; they only know how to push the button to initiate the status they wish to record. In other cases, drivers have claimed that while the main office can down-

load logs, they cannot. Thus, officers are unable at the roadside to examine readily the logs in order to determine whether or not a violation has occurred. In investigating crashes or in conjunction with roadside enforcement efforts, officers must possess the ability to examine logs to determine the existence of a violation. If drivers are unfamiliar with the operation of EOBRs, this obviously cannot be accomplished.

In view of the need to train both drivers and truck inspectors in this new technology, the Committee suggests that a standardized EOBR format be mandated to eliminate problems with interpreting the electronic logs.

The Highway Safety Committee suggests that the rule be implemented in reasonable phases, beginning with the long-haul cross-country carriers and other shorter-haul interstate carriers. The FMCSA requires states to adopt compatible regulations as a condition of receiving federal MCSAP funds. If states immediately are required to mandate these devices for all *intrastate* carriers, including log trucks or dump trucks, their MCSAP funding could be jeopardized, since state legislative bodies may well bow to the cost issues that *intrastate* carriers undoubtedly would raise and may exempt them from this requirement. However, the Committee believes that states should not be penalized for those *intrastate* carriers operating within the 100 air-mile exemption without EOBRs. Otherwise, all *intrastate* carriers should be exempted from this requirement.